

January 25, 1968

MEMORANDUM

TO: Boston Redevelopment Authority

FROM: C. Hale Champion, Development Administrator

SUBJECT: ZONING REFERRALS

I. ZONING COMMISSION.

Re: Map Amendment Application No. 47  
Hawthorne Realty Trust  
960 Centre Street, Jamaica Plain

Petitioner seeks to change an area of land, approximately 14 acres, from an S-.3 (Single Family zone with a floor area ratio of .3) to an H-2 (Apartment zone with a floor area ratio of 2) in the Jamaica Plain district of Boston. The proposed zoning change covers 3 parcels of land, including the Adams House Clinic of the Faulkner Hospital, the Franciscan Monastery of Saint Clair, and the petitioner's property. The area is bounded by Centre Street and the Arnold Arboretum at the intersection of Centre Street and the Arborway. In November of 1966, the Board of Appeal denied a petition for a variance by the same petitioner, to erect a two-story-120 bed nursing home on his property. The nursing home use is forbidden in this zoning district. Although there is existing institutional activity along Centre Street, the residential community in this area is one of the finest in the city and they expressed considerable opposition to the petition before the Board of Appeal. To allow the proposed change in this instance, would result in a rezoning which would permit apartment structures and other land uses that would be undesirable to the community. Denial is recommended.

VOTED: That in connection with Map Amendment Application No. 47, brought by Hawthorne Realty Trust, 960 Centre Street, Jamaica Plain, to change an area of land (approximately 14 acres), from a Single Family (S-.3) district to an Apartment (H-2) district, the Boston Redevelopment Authority is opposed to the granting of the petition. Although there is existing institutional activity along Centre Street, a rezoning of this area would allow other kinds of land use activity that would be incompatible with the adjacent residential community.

Map Amendment Application No. 48  
John P. McKeon Post  
4 Hill Top Street, Dorchester

Petitioner seeks to change an area of land, approximately 28,300 square feet, from an R-.5 (General Residence, two-family with a floor area ratio of .5) to a B-8 (General Business, with a floor area ratio of 8) in the Dorchester district of Boston. The property is bounded by Hill Top Street, Hallet Street and the N.Y., N.H. and Hartford Railroad right-of-way. The adjacent areas are zoned for light manufacturing (M-1) and Industrial (I-2) activities. Residential properties are located across the street from this site. The present use, a private club, is a non-conforming use in an R-.5 district, however, it serves as a good transitional use between the Residential and adjacent Manufacturing-Industrial districts. The anticipated expansion of this private club can be accommodated by a change in zoning to a B-2 rather than a B-8 district. Recommend approval but limiting floor area ratio to 2.

VOTED: That in connection with Map Amendment Application No. 48, brought by John P. McKeon Post, 4 Hill Top Street, Dorchester, to change an area of land (Approximately 28,300 square feet) from a General Residence (R-.5) district to a General Business (B-8) district, the Boston Redevelopment Authority has no objection to the granting of the petition, provided however, that the floor area ratio is limited to 2. The anticipated expansion of this private club will serve as a good transitional use between the Residential and adjacent Manufacturing-Industrial districts. The expansion, however, can be accommodated by a lower density floor area ratio change.



II. BOARD OF APPEAL REFERRALS

Re: Petition Nos. Z-1027 & Z-1028  
 Harold Brown  
 19-21 & 23-25 Brighton Avenue, Allston

Petitioner seeks three variances to legalize the addition of apartments from 12 units to 15 and 16 units, respectively, in a General Business (B-1) district. The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 14-2	lot area for additional dwelling units	1500	0
sect. 17-1	usable open space	800	0
sect. 23-1	off-street parking	4	0

The petitioner states that he purchased the properties in 1960 unaware of the illegality of the apartment additions which had been constructed in 1948. In effect, the petitioner is seeking to legalize an existing condition. The Transportation Department reports favorably on the parking variance since it does not actually change the existing traffic situation. Approval is recommended.

VOTED: That in connection with Petitions Nos. Z-1027-Z-1028, brought by Harold Brown, 19-25 Brighton Avenue, Allston, for variances of insufficient lot area per additional dwelling unit, insufficient open space, and off-street parking not provided, to legalize the addition of apartments from 12 to 15 and 16, respectively, in a General Business (B-1) district, the Boston Redevelopment Authority has no objection to the granting of the petitions. The variances in effect will legalize apartments which have existed for several years.

Re: Petition No. Z-1029  
 Americo Lombardi  
 148 Glenwood Avenue, Hyde Park

Petitioner seeks an extension of a non-conforming use permit to erect a one-story addition to the rear of a two-family dwelling in a Single Family (S-.5) district. The proposed addition, to be occupied as a kitchen and bedroom, will cover approximately 385 square feet of land area and will not violate any side or rear yard requirements. Recommend approval.

VOTED: That in connection with Petition No. Z-1029, brought by Americo Lombardi, 148 Glenwood Avenue, Hyde Park, for an extension of a non-conforming use permit to erect a one-story addition to the rear of a two-family dwelling in a Single Family (S-.5) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposed addition will be occupied as a kitchen and bedroom, covering approximately 385 square feet of land area, and will not violate any side or rear yard requirements.

Re: Petition No. Z-1031  
Francis Conboy  
76 Alpheus Road, Roslindale

Petitioner seeks four variances and a forbidden use to legalize a change of occupancy from a one-family to a two-family dwelling in a Single Family (S-.5) district.

The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 14-3	lot area per additional dwelling unit	3000	86
sect. 18-1	front yard	30	13.7
sect. 19-1	side yard	12	7
sect. 20-1	rear yard	50	40
sect. 8-7	Use Item #8 - a two-family dwelling is a forbidden use in an S-.5 district		

The petitioner states that he constructed the separate apartment for his mother several years ago unaware of the need for a permit. Other two-family dwellings exist in the area. There will be no visible evidence of change since the petitioner, in effect, is seeking to legalize an existing condition. Approval is recommended.

VOTED: That in connection with Petition No. Z-1031, brought by Francis Conboy, 76 Alpheus Road, Roslindale, for a variance of insufficient front yard, side yard, rear yard, and lot area per additional dwelling unit, and a forbidden use, to legalize the change in occupancy from a one-family to a two-family dwelling in a Single Family (S-.5) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The variances, in effect, will legalize a condition which has existed for several years.



Re: Petition No. Z-1032  
Home Hardware, Inc.  
671 Tremont Street, Boston

Petitioner seeks four variances to erect a one-story first floor addition to the rear of a building in a Local Business (L-2) district. The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 15-1	F. A. R	2	2.65
sect. 17-1	usable open space-	150	0
sect. 18-4	front yard	20	6
sect. 19-6	corner lot provision		

The petitioner was previously located on a South End REUSE parcel at 691 Tremont Street where he conducted a hardware business for approximately 40 years. In order to continue the business in the same neighborhood he purchased this property. The new location provides approximately one-half the floor space previously occupied by the petitioner and, therefore, he seeks to increase the area by means of this addition. The South End Project staff reports favorably. The F.A.R. violation is minimal, the open space to be eliminated is not presently accessible to the family units, and the front yard and corner lot violations do not appear to be substantial in terms of creating an adverse affect upon the neighbors. Approval is recommended.

VOTED: That in connection with Petition No. Z1032, brought by Home Hardware, Inc., 671 Tremont Street, Boston, for variances of floor area ratio, insufficient open space, front yard and corner lot provisions, to erect a one-story-first floor addition to the rear of the building, in a Local Business (L-2) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The petitioner was previously located on a South End Re-use parcel nearby and seeks to continue his hardware business on this property, which he has conducted for approximately 40 years in this neighborhood. The floor area ratio violation is minimal, the open space to be eliminated is not presently accessible to the family units, and the front yard and corner lot violations do not appear to be substantial. The proposal will not adversely affect the neighborhood.

Re: Petition No. Z-1033  
Roman & Maureen Szymkowski  
24 Parker Street, Charlestown

Petitioners seek a variance to construct a one-car garage in the rear of their single family home in an Apartment (H-1) district.



The proposal violates the zoning code as follows:

sect. 20-2      Accessory buildings in rear yard must  
                                 have side yard

<u>Req'd.</u>	<u>Proposed</u>
<u>4'</u>	<u>3"</u>

The petitioner's home is located on a highly congested residential street with inadequate off-street parking facilities. They presently park their automobile in a side yard driveway and now seek to construct a garage at the end of the driveway. The code requires that a side lot of 4 feet be provided when constructing an accessory building in the rear yard. The petitioner will provide only 3 inches to the side lot, however, it will be located next to an existing garage on the adjacent property and should not adversely affect the enjoyment of that property. The Charlestown Project staff reports favorably. Approval is recommended.

VOTED: That in connection with Petition No. Z-1033, brought by Roman and Maureen Szymkowski, 24 Parker Street, Charlestown, for a variance of side lot required for an accessory building in the rear yard in an Apartment (H-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The variance will allow the petitioners to construct a one-car garage in the rear yard of their property. The violation will be minimal in terms of its affect upon the adjacent property.

Re: Petition No. Z-1034  
Gary T. Christopher  
25 Aberdeen Street, Allston

Petitioner seeks a variance to change occupancy from six apartments to eight apartments in an Apartment (H-2) district.

The proposal violates the zoning code as follows:

sect. 17-1      Usable open space per additional  
                                 dwelling unit

<u>Req'd.</u>	<u>Proposed</u>
<u>150'</u>	<u>0</u>

The petitioner presently conducts a six-unit apartment building at this location and intends to reconvert to eight units. There is no additional land and open space available to satisfy the requirements of the code. The property is located on a dead end street near Audubon Circle, in the area of similar apartment buildings. Sufficient off-street parking will be provided. Approval is recommended.

VOTED: That in connection with Petition No. Z-1034, brought by Gary T. Christopher, 25 Aberdeen Street, Allston, for a variance of insufficient usable open space per additional dwelling unit, in an Apartment (H-2) district, the Boston Redevelopment Authority has no objection to the granting of the variance. The property is located on a dead end street, in an area of similar housing, and provides no available land to satisfy the requirements of the code for open space. The variance will allow the petitioner to convert the apartment building from six to eight dwelling units.

Re: Petition No. Z-1035  
Bornstein & Pearl Provision Co.  
220 Quincy Street, Roxbury

Petitioner seeks an extension of a non-conforming use permit to erect a one-story addition to the rear of the building in an Apartment (H-1) district. The proposed addition will provide storage facilities for supplies and packing materials for the petitioner's wholesale meat packing plant. Although there are residential dwellings on both sides of the existing building the side and rear yard requirements will be respected. Recommend approval.

VOTED: That in connection with Petition No. Z-1035, brought by Bornstein & Pearl Provision Co., 220 Quincy Street, Roxbury, for an extension of a non-conforming use permit to erect a one-story addition to the rear of a wholesale meat packing plant in an Apartment (H-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposed addition will provide storage facilities for supplies and packing materials and will not violate any side or rear yard requirements.

Re: Petition No. Z-1037  
G & H Realty  
62-64 Allston Street, Allston

Petitioner seeks three variances to erect a two-story-eight unit-apartment building in a Residential (R-.8) district. The proposal violates the zoning code as follows:



		<u>Req'd.</u>	<u>Proposed</u>
sect. 14-2	lot area per additional dwelling unit	1500	0
sect. 17-1	usable open space per dwelling unit	800	0
sect. 23-1	off-street parking	8	0

The petitioner presently operates a 48-unit apartment complex in the rear of the property and intends to demolish an existing two-family dwelling on the site to provide an additional eight units. The lot is 8800 square feet and the area, zoned for low density is an older over-developed neighborhood. The Transportation staff reports unfavorably in terms of the traffic congestion which already exists in the area. The proposed development would further increase the high density and traffic congestion in this residential district. Recommend denial.

VOTED: That in connection with Petition No. Z-1037, brought by G & H Realty, 62-64 Allston St., Allston, for variance of insufficient lot area per additional dwelling unit, insufficient usable open space, and off-street parking not provided, to erect a two-story-eight unit-apartment building in a Residential (R-.8) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The variance would further increase the existing high density development and traffic congestion in this residential district.

Re: Petition No. Z-1038  
Marjorie Johnson  
162 Humboldt Avenue, Roxbury

Petitioner seeks a forbidden use to change occupancy from a one-family dwelling to three apartments and two offices in a Residential (R-.8) district. The property is an abandoned three-story wooden structure located within the Washington Park Urban Renewal Area. The petitioner proposes to convert the structure for medical offices and apartments in a zoning district which forbids offices. There are, however, existing commercial and office uses in the area and the Washington Park Project staff reports favorably. Recommend approval.

VOTED: That in connection with Petition No. Z-1038, brought by Marjorie Johnson, 162 Humboldt Avenue, Roxbury, for a forbidden use to change occupancy from a one-family dwelling to three apartments and two medical offices in a Residential (R-.8) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposed conversion will replace an abandoned structure within the Washington Park Urban Renewal Area, with apartments and medical offices in an area with existing commercial and office activity.



Re: Petition No. Z-1039  
 Gulf Oil Corporation  
 808-900 Dorchester Avenue and  
 807-819 Columbia Road, Dorchester

Petitioner seeks a forbidden and conditional use and two variances to erect a gasoline service station in an Apartment (H-1) and a Local Business (L-1) district. The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 8-7	gasoline service station is a forbidden use in an H-1 district and a Conditional use in an L-1 district.		
sect. 18-1	front yard	10	8.5
sect. 20-1	rear yard	20	0.3

Petitioner proposes to replace the existing facility with a modern three-bay lubritorium and inspection bay and will also expand the service area. This is a case of new replacing old to provide a better service for the neighborhood. Approval is recommended.

VOTED: That in connection with Petition No. Z-1039, brought by Gulf Oil Corporation, 808-900 Dorchester Avenue and 807-819 Columbia Road, Dorchester, for a forbidden and conditional use and two variances to erect a gasoline service station in an Apartment (H-1) district and a Local Business (L-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The new facility will enhance the area and provide a better service to the neighborhood.

Re: Petition No. Z-1036  
Blue Hill Wine & Liquor  
10 Edgewater Drive, Mattapan

Petitioner seeks a forbidden use and a variance to erect an incinerator in a Residential (R-.5) district. The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 8-7	incinerator is a forbidden use in a Residential district		
sect. 20-1	rear yard	40'	1'

The petitioner operates a retail liquor business across the street and proposes to erect a brick incinerator for purposes of burning refuse, on this vacant parcel. The incinerator will be 7' high with a 28' steel stack and will be located in the rear of the lot which abuts the Neponset River. There appears to be sufficient distance between the adjacent properties and the proposed location of the incinerator. The code, however, forbids an incinerator use in all zoning districts except Industrial and Waterfront areas, where it is designated a Conditional use. The proposal would be undesirable for this quasi-commercial area. Recommend denial.

VOTED: That in connection with Petition No. Z-1036, brought by Blue Hill Wine & Liquor, 10 Edgewater Drive, Mattapan, for a forbidden use and a variance of insufficient rear yard, to erect an incinerator in a Residential (R-.5) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The petitioner operates a retail liquor business across the street and proposes to burn his refuse in the incinerator. The land is vacant and abuts the Neponset River, between, this type of use would be undesirable for this quasi-commercial area.

Re: Petition No. Z-1040  
Charles P. Turner  
42 Georgia Street, Roxbury

Petitioner seeks two variances to change occupancy from a two-family to a four-family dwelling in an Apartment (H-1) district. The proposal violates the zoning code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
sect. 10-1	Accessory uses	5'	0
	off-street parking not allowed		
	nearer than 5' to a side lot line		
sect. 14-2	lot area per additional dwelling unit	8000	7389

The petitioner states that he purchased the property in 1959, as a four-family



dwelling, unaware of any building and zoning violations. In effect, this is seeking to legalize an existing condition. The property is located within the Washington Park Urban Renewal area and the Project Staff reports favorably. Approval is recommended.

VOTED: That in connection with Petition No. Z-1040, brought by Charles P. Turner, 42 Georgia St., Roxbury, for variances of insufficient lot area per additional dwelling unit and off-street parking not allowed nearer than 5' to side lot line, in an Apartment (H-1) district, the Boston Redevelopment Authority is not opposed to the granting of the petition. The property is located within the Washington Park Urban Renewal area and the variances, in effect, will legalize an existing condition.

THE UNIVERSITY OF CHICAGO